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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,987	04/20/2001	Ronald S. Chamberlain	2026-4231US3	2855
75	90 11/21/2002			
MORGAN & FINNEGAN, L.L.P.			EXAMINER	
345 Park Avenue New York, NY 10154-0053			WILSON, MICHAEL C	
			ART UNIT	PAPER NUMBER
			1632 DATE MAILED: 11/21/2002	9

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Chamber Art Unit Examiner Art Unit Examiner Art Unit Art Unit Michael C. Wilson 1632	Advisory Action		Application No.	Applicant(s)			
Examiner Michael C. Wilson 1632 THE REPLY FILED 12 November 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed Amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal etc.) (2) a timely filed Amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal etc.) (3) a timely filed Notice of Appeal (with appeal etc.) (3) a timely filed Notice of Appeal (with appeal etc.) (3) a timely filed Notice of Appeal (with appeal etc.) (4) a timely filed Notice of Appeal (with appeal etc.) (4) and the appeal of the replace of the rep			09/838,987	CHAMBERLAIN ET AL.			
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a) The period for reply expires 3 months from the mailing date of the final rejection. b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no experiment of the period for reply expires set than SX MONTHS from the mailing date of the final rejection. One of the final rejection of the period for reply expires are than SX MONTHS from the mailing date of the final rejection. See MPEP 706.07(f). Extensions of time may be obtained under 3 CPR 1.136(g). The date on which the petition under 37 CPR 1.136(g) and the appropriate extension fee where been flies is the date for purposes of determining the period of extensions and the corresponding amount of the fee. The appropriate extension fee under 37 CPR 1.17(g) is coalculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Orifice action; or (2) as set forth in (3) shorts, or checked. Any reply received by the Orifice later than three months after the mailing date of the final rejection, even if timely flied, may reduce any extension thereof (37 CPR 1.191(d)), to avoid dismissal of the appeal. 1. A Notice of Appeal was filed on	final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued						
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set both in the final rejection. Whichever is later. In no event, however, with testatulory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee where been file is the date for purpose of determining the period of divension and the corresponding amount of the fee. The appropriate extension fee where been file is the date for purpose of determining the period of divensions and the corresponding amount of the fee. The appropriate extension fee where been filed is the date for purpose of determining the period of divensions and the corresponding amount of the final rejection, even if timely filed, may reduce any earned patient term adjustment. See 37 CFR 1.704(b). 1. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. 2. The proposed amendment(s) will not be entered because: (a) they raise new issues that would require further consideration and/or search (see NOTE below); (b) they raise new issues the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) they present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet 3. Applicant's reply has overcome the following rejection(s): 4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-a	PERIOD FOR REPLY [check either a) or b)]						
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PTO-303 (Rev. 04-01)



Continuation of 2. NOTE: the proposed amendment to page 5, describing Fig 1 would introduce information not present in the specification as originally filed. If support for the information can be found elsewhere in the specification describing Fig. 1, please to point to such by page and line number. The proposed claims have an altered scope of antigen which would require a new matter rejection, and enablement, indefiniteness rejections and considerations of the art not previously required. The proposed term "insert" in context of the claim would require an indefiniteness rejection. The proposed change to the second vector does not necessarily encode the same antigen which is an altered scope, requiring considerations of new matter, enablement and art not previously required. The limitation in claim 5 would require considerations of new matter, enablement and art not previously required. Please point to support for new phrases in the proposed claims specifically (using page and line number).

Continuation of 5. does NOT place the application in condition for allowance because: Applicants arguments are moot because they are directed toward the proposed amendment which has not been entered. Claims 1-8 remain rejected for reasons of record regarding new matter. Claims 1-20 remain rejected for reasons of record regarding enablement, indefiniteness, and obviousness.